

REMARKS

This is in response to the Office Action dated July 9, 2009. With this response, claims 1 and 109 are amended; and all pending claims 1-43, 45, 47-54, 56, 109 and 111-114 are presented for reconsideration and favorable action.

In the Office Action, the claims were rejected based upon Gollomp (U.S. Patent No. 6,424,157) in view of Roberts (U.S. Patent No. 6,570,385). It is believed that the pending claims are patentably distinct from these references.

With this response, the claims have been amended to clarify that the starter test determines starter condition as a function of a starter parameter and a result of a battery test. Similar language has been added regarding the charging system test.

The claimed configuration is not shown by the Gollomp reference. The Office Action in section 6 states that Gollomp states, "include the use of a battery test result". However, Gollomp does not show the combination of two items in order to determine, for example, the condition of a starter in a starter test. See for example, blocks 128, 132 and 136 shown in Figure 3 of the instant application in which the test is based upon two items, a starting voltage and a result of a battery test.

Applicant has again thoroughly reviewed the cited sections of Gollomp and is not able to find such a configuration. Gollomp describes performing various tests and measuring various voltages. However, Gollomp does not show providing test results as set forth in the amended pending claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or

cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Judson K. Champlin/
Judson K. Champlin, Reg. No. 34,797
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JKC:rev